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July 28, 2025

By ECF

Honorable P. Kevin Castel, U.S.D.J.
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: UrthTech LLC et. al v. GOJO Industries, Inc
Case 1:22-cv-06727-PKC

Dear Judge Castel:

Our firm, along with Kritzer McPhee LLP, represent Defendant GOJO Industries, Inc. ("GOJO") in the above-referenced action. Pursuant to Rule 5.B of Your Honor's Individual Rules of Practice, the parties' Joint Stipulated Protective Order (Dkt. 73), and the applicable law, GOJO requests permission to file certain documents under seal in connection with GOJO's concurrently-filed Memorandum of Law In Opposition to Aziz Awad's Motion to Intervene.

GOJO respectfully requests that the Court issue an Order sealing certain: (1) portions of GOJO's Memorandum of Law In Opposition to Aziz Awad's Motion to Intervene that reference confidential materials; and (2) certain confidential exhibits to the Declaration of Andrew Alexander In Support of Defendant GOJO Industries, Inc.'s Opposition to Aziz Awad's Motion to Intervene (the "Alexander Declaration").

Filing documents under seal is appropriate if "closure is essential to preserve high value and is narrowly tailored to serve that interest." *Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 144 (2d Cir. 2016) (quoting *In re N.Y. Times Co.*, 828 F.2d 110, 116 (2d Cir. 2016)). Although "docket sheets enjoy a presumption of openness," this "presumption is rebuttable upon demonstration that suppression 'is essential to preserve higher values and is narrowly tailored to serve that interest.'" *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 96 (2d Cir. 2004) (quoting *Grove Fresh Distrib., Inc. v. Everfresh Juice Corp.*, 24 F.3d 893, 897 (7th Cir. 1994) (internal quotation marks omitted)). At least one "higher value" is present here which rebuts the presumption of openness: the need to protect confidential business information.

The Second Circuit has held that the "interest in protecting confidential business information outweighs the qualified First Amendment presumption of public access." *Standard Inv. Chtd., Inc. v. Fin. Indus. Regulatory Auth., Ind.*, 347 F. App'x 615, 617 (2d Cir. 2009); see

The circumstance that the parties have designated material as Confidential or Attorney Eyes Only does not in and of itself satisfy the Circuit's Lugoosh standard. Denial without prejudice. SO ORDERED. 7-29-25

also Hanks v. Voya Ret. Ins. & Annuity Co., No. 16-CV-6399 (PCK), 2020 WL 5813448, at *3 (S.D.N.Y. Sept. 30, 2020) (finding that disclosure of information “could advantage Movants’ competitors and harm their business” and holding that “Movants’ interest in protecting this sensitive business information ... outweighs the public’s presumed right of access.”). *Skyline Steel, LLC v. PilePro, LLC*, 101 F. Supp. 3d 394, 412013 (S.D.N.Y. 2015) (granting motion to seal exhibits containing “highly confidential sales information, including pricing information, which is not available to the public.”).

Exhibits A, B, C, D, F, G, K, M, N, and P to the Alexander Declaration are excerpts of Deposition Transcripts including those of UrthTech-affiliated individuals including Dr. Aziz Awad, Robert George, Jr., , Robert George, Sr. and Rodney George, as well as current or former employees of GOJO including Jessica McCoy, Dewain K. Garner and Steve Bromberg and a current employee of the Cummings McClorey law firm. Such deposition transcripts are designated Confidential or Attorneys’ Eyes Only by the respective parties under the Joint Stipulated Protective Order. Exhibits E, I, J, L, and O to the Alexander Declaration are documents produced by GOJO or UrthTech in discovery and are designated Confidential or Attorneys’ Eyes Only under the Protective Order To the extent these materials contain nonpublic and/or confidential internal business matters of the parties to this case, or any third-parties, GOJO requests permission to file them under seal.¹

In addition, certain sections of GOJO’s Memorandum of Law In Opposition to Aziz Awad’s Motion to Intervene quote or discuss the same deposition transcripts or documents discussed above. Accordingly, these sections have been filed with the appropriate redactions and should be sealed in part for the reasons discussed above.

In view of the foregoing, GOJO respectfully requests the Court grant its motion to redact specific information in GOJO’s Memorandum of Law In Opposition to Aziz Awad’s Motion to Intervene, and to file Exhibits A, B, C, D, E, F, G, I, J, K, L, M, N, O and P under seal.

GOJO’s counsel is available at the Court’s convenience should Your Honor have any questions or wish to discuss these requests. We thank the Court for its consideration and assistance in this matter.

Respectfully submitted,

By: /s/Andrew W. Alexander
John Cipolla (Pro Hac Vice)
Andrew W. Alexander (Pro Hac Vice)

¹ By so moving for purposes of this Memorandum in Opposition to the pending Motion to Intervene by Dr. Aziz Awad, GOJO does not waive any right to challenge the confidentiality of any materials designated as Confidential or Attorneys’ Eyes Only by UrthTech or the Cummings McClorey law firm, and does not concede that any of the content of these materials constitutes non-public information.

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